

# Exhibit 39

## 3505-40

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: JUUL LABS, )  
4 INC., MARKETING SALES )  
5 PRACTICES AND ) Case No.  
6 PRODUCTS LIABILITY ) 3:19-md-02913-WHO  
7 LITIGATION )  
8 \_\_\_\_\_ )  
9 THIS DOCUMENT RELATES )  
10 TO ALL ACTIONS )

11 TUESDAY, JUNE 8, 2021

12 HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL ONLY

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14 Remote videotaped deposition of  
15 Ariel Atkins, Volume III, held remotely at  
16 the location of the witness in Denver,  
17 Colorado, commencing at 10:05 a.m. Mountain  
18 Time, on the above date, before Carrie A.  
19 Campbell, Registered Diplomate Reporter and  
20 Certified Realtime Reporter.

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22 GOLKOW LITIGATION SERVICES  
23 877.370.3377 ph | 917.591.5672 fax  
24 deps@golkow.com  
25

1 cigarette could be smoked.

2 So those were all things that I  
3 think we did pretty well.

4 Q. Okay. I want to take you to  
5 slide 22.

6 Let's talk about what was on  
7 the packaging. Are you familiar with the  
8 language that was on the packaging?

9 A. Yes.

10 Q. And is this language that was  
11 on -- was on the packaging as of the time of  
12 the launch?

13 A. I don't recall the exact  
14 history of all of our packaging changes or  
15 differences over time or if there were any,  
16 but, you know, I recall this language being  
17 on the packaging, and it probably was on  
18 there at launch.

19 MR. GDANSKI: Let me object to  
20 the slide as far as foundation.

21 QUESTIONS BY MR. BERNICK:

22 Q. Let's be clear. There's an  
23 objection there, Mr. Atkins.

24 Do you recall that this  
25 language was on the packaging for the JUUL

1 product, at least as of -- at any point in  
2 time. Let's put it that way.

3 A. I certainly recall this  
4 language being on the packaging for the  
5 product at some point. I can't remember  
6 exactly when it was.

7 Q. Okay. 5 percent nicotine by  
8 weight, is that an accurate statement?

9 A. Yes.

10 Q. Okay. It says, "approximately  
11 equivalent to about one pack of cigarettes."

12 What does that refer to?

13 A. That refers to the fact that,  
14 you know, a pack of cigarettes, if you smoked  
15 the whole pack over the course of a day,  
16 you'd get about 40 milligrams of nicotine out  
17 of it.

18 And similarly, if you smoked  
19 this pod over the course of a day or two days  
20 or, you know, however long over the course  
21 of, you would get also about 40 milligrams of  
22 nicotine out of it.

23 Q. Is that something that would  
24 vary at all by smoker?

25 A. I don't know. You'd have to --